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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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36449 7590 09/03/2008 SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110				
EXAMINER KAMAL, SHAHID				
ART UNIT 3621		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/530,535

**Applicant(s)**

CARRO ET AL.

**Examiner**

SHAHID KAMAL

**Art Unit**

3621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Acknowledgements*

1. Claims 1, 9 and 11 are currently remain pending and have been examined.
2. This Office Action is responsive to the amendment filed on May 22, 2008.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (US Patent No.: 6,389,541 B1) in view of Bell et al. (US Pub. No.: 2003/0130952).

Referring to claim 1, Patterson discloses a method for processing edited objects associated with a copyrighted physical document, the method for use in a user workstation by a user, said method comprising the computer-implemented steps of:

a) identifying the selected item by correlating the determined position of the pressed point with a position of the selected item in a list of item positions recorded in an **item position column** of an edited objects table that is stored in the user workstation, said list of item positions being associated with the plurality of items on the **page** of the physical document (see abstract, figure 4 & associated text, column 4, lines 1-12, column 7, lines 17-47), **wherein the edited**

**objects table comprises a header section and a body section, wherein the header section comprises a Uniform Resource Locator (URL) of the edited objects server, a publication number of the physical document, a title of the physical document, an author of the physical document, a date of publication of the physical document, and an International Standard Book Number (ISBN) of the physical document, wherein the body section comprises a plurality of rows and three columns, wherein each row of the plurality of rows is specific to a copyrighted edited object, wherein the three columns consist of the item position column comprising a position of the edited object on the page, an item name column comprising a name of the edited object, and an edited object path column comprising either a file path to the edited object on the user workstation which denotes that the user has a license to use and/or copy the edited object or informing text indicating that the edited object does not exist on the user workstation which denotes that the user does not have the license to use and/or copy the edited object, wherein the edited object path column for at least one row of the plurality of rows comprises the file path to the edited object specific to each row of the at least one row, and wherein the edited object path column for each row of at least one other row of the plurality of rows comprises the informing text (see column4, lines 1-12, column 7, lines 17-47);**

b) **identifying an edited object in the edited objects table from an edited object name denoted in the item name column in a determined row of the edited objects table in which there is an association of the edited object with the selected item resulting from said correlating (figure 4 & associated text, column 4, lines 13-28);**

c) **ascertaining, from the informing text in the edited object path column of the determined row, that the user does not have a license to use and/or copy the first edited object** (see column 4, lines 13-28);

d) **after said ascertaining, sending, from the user workstation to the edited objects server, a request for information concerning the first edited object, wherein the request comprises an identification of the physical document, an identification of the page, and an identification of the selected item** (see column 10, lines 49-67);

e) **receiving, by the user workstation from the edited objects server, the requested information, wherein the received requested information comprises license terms and conditions as well as pricing and ordering information pertaining to the first edited object** (see column 4, lines 13-28);

f) **after said receiving the requested information, displaying the received requested information on the user workstation** (see column 4, lines 13-28);

g) **after said displaying or playing the received requested information, sending an order from the user workstation to the edited objects server for the license, wherein the order comprises the identification of the physical document, the page, the selected item, and payment data relating to the selected item and required by a publisher of the physical document** (see abstract, figure 4 & associated text, column 4, lines 1-12, column 7, lines 17-47);

h) **after said sending the order, receiving, by the user workstation from the edited objects server, the edited object with the license** (see column 4, lines 13-28);

i) **storing the received first edited object in the user workstation** (see abstract, column 1, lines 1-17, column 4, lines 13-29);

j) **updating the edited object path column in the edited objects table in the user workstation with a file path for accessing the stored received first edited object** (see column 4, lines 1-12, column 7, lines 17-47).

Patterson does not expressly disclose determining a position of a point pressed on a touch foil of an opto-touch foil aligned over or under a **page** of the copyrighted physical document, said **page** comprising a plurality of items, said point having been pressed to select an item of the plurality of items during illumination of the plurality of items by a light emitting foil of the opto-touch foil, said pressed point aligned proximate to the selected item.

Bell discloses determining a position of a point pressed on a touch foil of an opto-touch foil aligned over or under a **page** of the copyrighted physical document, said **page** comprising a plurality of items, said point having been pressed to select an item of the plurality of items during illumination of the plurality of items by a light emitting foil of the opto-touch foil, said pressed point aligned proximate to the selected item (see at least abstract & paragraphs 0071, 0075, fig.12).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Patterson for a method and system of regulating access to digital content with the features of Bell for a system and method for distributed administration of public and private electronic markets in order to provide to Access to private markets is controlled through passwords and through properties of account profiles such as group memberships.

Referring to claim 9, Patterson discloses a method for processing edited objects associated with a copyrighted physical document, the method for use in a user workstation by **user, said method comprising the computer-implemented steps of:**

a) **identifying the selected item by correlating the determined position of the pressed point with a position of the selected item in a list of item positions recorded in an edited objects table that is stored in the user workstation, said list of item positions being associated with the plurality of items on the portion of the physical document (see abstract, figure 4 & associated text, column 4, lines 1-12, column 7, lines 17-47);**

b) **identifying an edited object in the edited objects table from association of the edited object with the selected item in the edited objects table (figure 4 & associated text, column 4, lines 13-28);**

c) **ascertaining whether the user has a license to use and/or copy the edited object (see column 10, lines 49-67); and**

**if said ascertaining ascertains that the user has the license then accessing the edited object from the user workstation and displaying the edited object, and if said ascertaining ascertains that the user does not have the license then obtaining the license and the edited object from an edited objects server, wherein said ascertaining ascertains that the user does not have the license, and wherein said obtaining the license and the edited object from the edited objects server comprises:**

d) **sending an order for the license to an edited objects server (see column 4, lines 13-28);**

c) **receiving the edited object with the license from the edited objects server (see column 4, lines 13-28);**

f) **storing the edited object in the user workstation (see column 4, lines 13-28);  
updating the edited objects table with a file path for accessing the stored edited  
indicating in the edited objects table that the user has the license, wherein said sending the  
order for the license to the edited objects server comprises sending to the edited objects  
server a request for information concerning the edited object, and wherein the method  
further comprises:**

g) **receiving the requested information from the edited objects server (see column 4,  
lines 13-28); and**

**displaying or playing the received information concerning the edited object,** wherein the physical document is a printed document comprising at least one page, and wherein the portion of the physical document is a page of the at least one page, and wherein the requested information comprises:

h) **license terms and conditions (see column 4, lines 13-29);**

i) **pricing and ordering information (see at least fig. 8); and**

j) **an identification of the physical document, the page, and the selected item (see abstract, figure 4 & associated text, column 4, lines 1-12, column 7, lines 17-47).**

Patterson does not expressly disclose **determining a position of a point pressed on a touch foil of an opto-touch foil aligned over or under a portion of the copyrighted physical document, said portion comprising a plurality\_ of items, said point having been pressed to select an item of the plurality of items during illumination of the plurality of items by a**



**light emitting foil of the opto-touch foil, said pressed point aligned proximate to the selected item.**

Bell discloses **determining a position of a point pressed on a touch foil of an opto-touch foil aligned over or under a portion of the copyrighted physical document, said portion comprising a plurality\_ of items, said point having been pressed to select an item of the plurality of items during illumination of the plurality of items by a light emitting foil of the opto-touch foil, said pressed point aligned proximate to the selected item** (see at least abstract & paragraphs 0071, 0075, fig.12).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Patterson for a method and system of regulating access to digital content with the features of Bell for a system and method for distributed administration of public and private electronic markets in order to provide to Access to private markets is controlled through passwords and through properties of account profiles such as group memberships.

Referring to claim 11, Patterson discloses a method for processing **edited objects associated with a copyrighted physical document, the method for use in a user workstation by a user, said method comprising the computer-implemented steps of:**

a) **identifying the selected item by correlating the determined position of the pressed point with a position of the selected item in a list of item positions recorded in an edited objects table that is stored in the user workstation, said list of item positions being**

**associated with the plurality\_ of items on the portion of the physical document** (see abstract, figure 4 & associated text, column 4, lines 1-12, column 7, lines 17-47);

b) **identifying an edited object in the edited objects table from association of the edited object with the selected item in the edited objects table** (figure 4 & associated text, column 4, lines 13-28);

c) **ascertaining whether the user has a license to use and/or copy the edited object** (see column 10, lines 49-67); and

**if said ascertaining ascertains that the user has the license then accessing the edited object from the user workstation and displaying the edited object, and if said ascertaining ascertains that the user does not have the license then obtaining the license and the edited object from an edited objects server, wherein said ascertaining ascertains that the user does not have the license, and wherein said obtaining the license and the edited object from the edited objects server comprises:**

d) **sending an order for the license to an edited objects server** (see column 4, lines 13-28);

e) **receiving the edited object with the license from the edited objects server** (see column 4, lines 13-28);

f) **storing the edited object in the user workstation** (see abstract, column 1, lines 1-17, column 4, lines 13-29);

g) **updating the edited objects table with a file path for accessing the stored edited indicating in the edited objects table that the user has the license**, wherein the edited objects table comprises rows and columns, wherein each row is associated with a unique edited object,

and wherein the columns comprise a column for item position, a column for item name, and a column for the file path for accessing the edited object (see column 4, lines 1-12, column 7, lines 17-47).

Patterson does not expressly disclose **determining a position of a point pressed on a touch foil of an opto-touch foil aligned over or under a portion of the copyrighted physical document, said portion comprising a plurality of items, said point having been pressed to select an item of the plurality of items during illumination of the plurality of items by a light emitting foil of the opto-touch foil, said pressed point aligned proximate to the selected item.**

Bell discloses **determining a position of a point pressed on a touch foil of an opto-touch foil aligned over or under a portion of the copyrighted physical document, said portion comprising a plurality of items, said point having been pressed to select an item of the plurality of items during illumination of the plurality of items by a light emitting foil of the opto-touch foil, said pressed point aligned proximate to the selected item** (see at least abstract & paragraphs 0071, 0075, fig.12).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Patterson for a method and system of regulating access to digital content with the features of Bell for a system and method for distributed administration of public and private electronic markets in order to provide to Access to private markets is controlled through passwords and through properties of account profiles such as group memberships.

***Examiner's Note:***

5. The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

***Response to Arguments***

6. Applicant's arguments filed on May 22, 2008 have been fully considered but they are not persuasive.

7. As per claims 1, 9 and 11, Applicant argues "Patterson/Bell does not disclose determining a position of a point pressed on a touch foil of an opto-touch foil aligned over or under a **page** of the copyrighted physical document, said **page** comprising a plurality of items, said point having been pressed to select an item of the plurality of items during illumination of the plurality of items by a light emitting foil of the opto-touch foil, said pressed point aligned proximate to the selected item; identifying the selected item by correlating the determined position of the pressed point with a position of the selected item in a list of item positions recorded in an **item position column** of an edited objects table that is stored in the user workstation, said list of item positions being associated with the plurality of items on the **page** of the physical document, wherein the edited objects table comprises a header section and a body section, wherein the header

section comprises a Uniform Resource Locator (URL) of the edited objects server, a publication number of the physical document, a title of the physical document, an author of the physical document, a date of publication of the physical document, and an International Standard Book Number (ISBN) of the physical document, wherein the body section comprises a plurality of rows and three columns, wherein each row of the plurality of rows is specific to a copyrighted edited object, wherein the three columns consist of the item position column comprising a position of the edited object on the page, an item name column comprising a name of the edited object, and an edited object path column comprising either a file path to the edited object on the user workstation which denotes that the user has a license to use and/or copy the edited object or informing text indicating that the edited object does not exist on the user workstation which denotes that the user does not have the license to use and/or copy the edited object, wherein the edited object path column for at least one row of the plurality of rows comprises the file path to the edited object specific to each row of the at least one row, and wherein the edited object path column for each row of at least one other row of the plurality of rows comprises the informing text; identifying an edited object in the edited objects table from an edited object name denoted in the item name column in a determined row of the edited objects table in which there is an association of the edited object with the selected item resulting from said correlating; ascertaining, from the informing text in the edited object path column of the determined row, that the user does not have a license to use and/or copy the first edited object; after said ascertaining, sending, from the user workstation to the edited objects server, a request for information concerning the first edited object, wherein the request comprises an

**identification of the physical document, an identification of the page, and an identification of the selected item; receiving, by the user workstation from the edited objects server, the requested information, wherein the received requested information comprises license terms and conditions as well as pricing and ordering information pertaining to the first edited object; after said receiving the requested information, displaying the received requested information on the user workstation; after said displaying or playing the received requested information, sending an order from the user workstation to the edited objects server for the license, wherein the order comprises the identification of the physical document, the page, the selected item, and payment data relating to the selected item and required by a publisher of the physical document; after said sending the order, receiving, by the user workstation from the edited objects server, the edited object with the license; storing the received first edited object in the user workstation; updating the edited object path column in the edited objects table in the user workstation with a file path for accessing the stored received first edited object (response pages 10-30)".** Landry teaches storing party data identifying a party as a separate set of data (see fig.3 & associated text, abstract, col. 6, lines 31-54, col. 11, lines 51-67, col. 12, lines 40-65, col. 19, lines 24-42); storing account data identifying an account as a separate set of data (see col. 12, lines 40-65, col. 14, lines 17-39); storing presentation instrument data identifying a presentation instrument as a separate set of data (see col. 1, lines 51-67, col. 14, lines 17-67, col. 30, lines 43-67); wherein said party data, said account data, and said presentation instrument data identify a party on an account accessible via said presentation instrument (see fig.3, abstract & col. 15, lines 1-15, col. 20, lines 44-56, col. 32, lines 9-32). Patterson teaches identifying the selected item by correlating the determined

position of the pressed point with a position of the selected item in a list of item positions recorded in an **item position column of** an edited objects table that is stored in the user workstation, said list of item positions being associated with the plurality of items on the **page** of the physical document (see abstract, figure 4 & associated text, column 4, lines 1-12, column 7, lines 17-47), **wherein the edited objects table comprises a header section and a body section, wherein the header section comprises a Uniform Resource Locator (URL) of the edited objects server, a publication number of the physical document, a title of the physical document, an author of the physical document, a date of publication of the physical document, and an International Standard Book Number (ISBN) of the physical document, wherein the body section comprises a plurality of rows and three columns, wherein each row of the plurality of rows is specific to a copyrighted edited object, wherein the three columns consist of the item position column comprising a position of the edited object on the page, an item name column comprising a name of the edited object, and an edited object path column comprising either a file path to the edited object on the user workstation which denotes that the user has a license to use and/or copy the edited object or informing text indicating that the edited object does not exist on the user workstation which denotes that the user does not have the license to use and/or copy the edited object, wherein the edited object path column for at least one row of the plurality of rows comprises the file path to the edited object specific to each row of the at least one row, and wherein the edited object path column for each row of at least one other row of the plurality of rows comprises the informing text** (see column 4, lines 1-12, column 7, lines 17-47); identifying an edited object in the edited objects table from **an edited object name denoted**

**in the item name column in a determined row of the edited objects table in which there is an association of the edited object with the selected item resulting from said correlating (figure 4 & associated text, column 4, lines 13-28); ascertaining, from the informing text in the edited object path column of the determined row, that the user does not have a license to use and/or copy the first edited object (see column 4, lines 13-28); after said ascertaining, sending, from the user workstation to the edited objects server, a request for information concerning the first edited object, wherein the request comprises an identification of the physical document, an identification of the page, and an identification of the selected item (see column 10, lines 49-67); receiving, by the user workstation from the edited objects server, the requested information, wherein the received requested information comprises license terms and conditions as well as pricing and ordering information pertaining to the first edited object (see column 4, lines 13-28); after said receiving the requested information, displaying the received requested information on the user workstation (see column 4, lines 13-28); after said displaying or playing the received requested information, sending an order from the user workstation to the edited objects server for the license, wherein the order comprises the identification of the physical document, the page, the selected item, and payment data relating to the selected item and required by a publisher of the physical document (see abstract, figure 4 & associated text, column 4, lines 1-12, column 7, lines 17-47); after said sending the order, receiving, by the user workstation from the edited objects server, the edited object with the license (see column 4, lines 13-28); storing the received first edited object in the user workstation (see abstract, column 1, lines 1-17, column 4, lines 13-29); updating the edited object path column in the edited objects table in the user**



**workstation with a file path for accessing the stored received first edited object** (see column 4, lines 1-12, column 7, lines 17-47). And Bell discloses determining a position of a point pressed on a touch foil of an opto-touch foil aligned over or under a **page** of the copyrighted physical document, said **page** comprising a plurality of items, said point having been pressed to select an item of the plurality of items during illumination of the plurality of items by a light emitting foil of the opto-touch foil, said pressed point aligned proximate to the selected item (see at least abstract & paragraphs 0071, 0075, fig.12).

### *Conclusion*

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The examiner can normally be reached on MONDAY through THURSDAY between the hours of 8:30 AM and 7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shahid Kamal  
August 29, 2008

/EVENS J. AUGUSTIN/

Examiner, Art Unit 3621